



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
)  
John R. BIANCHI et al. ) Before the Examiner  
) Not yet known  
Serial No. 10/756,971 )  
) Group Art Unit  
Filed January 13, 2004 ) Not yet known  
)  
OPEN INTERVERTEBRAL SPACER )

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure in accordance with 37 CFR §1.56, Applicant wishes to bring to the attention of the Examiner the patents, publications, and/or other information listed on the attached PTO Form 1449 (modified).

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted after the filing of the application but before receipt of a first action on the merits. It is believed that no fee is required for consideration of the submitted items. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as **first class mail** in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

April 19 2004  
(Date of Deposit)

James B. Myers, Jr.

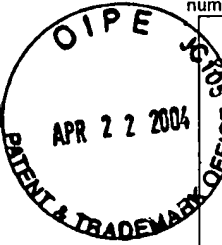
Name of Registered Representative

James B. Myers  
Signature

By:

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Substitution for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	10/756,971
				Filing Date	January 13, 2004
				First Named Inventor	Bianchi
				Group Art Unit	
				Examiner Name	
Sheet	1	of	3	Attorney Docket No.	4002-3468

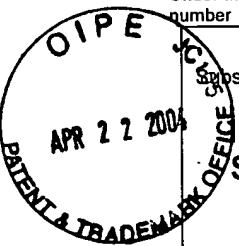
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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If known)			
		3,486,505	05-1967	Morrison	
		3,848,601	11-1974	Ma	
		4,545,374	10-1985	Jacobson	
		4,736,738	04-1988	Lipovsek et al.	
		4,743,256	05-1988	Brantigan	
		4,877,020	10-1989	Vich	
		5,062,845	11-1991	Kuslich	
		5,190,548	03-1993	Davis	
		5,250,061	10-1993	Michelson	
		5,306,309	04-1994	Wagner et al.	
		5,329,846	07-1994	Bonutti	
		5,423,825	06-1995	Levine	
		5,423,855	06-1995	Marienne	
		5,425,772	06-1995	Brantigan	
		5,443,514	08-1995	Steffee	
		5,445,639	08-1995	Kuslich et al.	
		5,458,642	10-1995	Beer et al.	
		5,484,437	01-1996	Michelson	
		5,489,307	02-1996	Kuslich et al.	
		5,499,984	03-1996	Steiner	
		5,609,636	03-1997	Kohrs et al.	
		5,645,598	07-1997	Brosnahan, III	
		5,669,909	09-1997	Zdeblick et al.	
		5,709,683	01-1998	Bagby	
		5,716,355	02-1998	Jackson et al.	
		5,720,749	02-1998	Rupp	
		5,741,253	04-1998	Michelson	
		5,766,253	06-1998	Brosnahan, III	
		5,782,830	07-1998	Farris	

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Sheet	2	of	3	Attorney Docket No.	4002-3468

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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		5,857,995	01-1999	Thomas et al.	
		5,904,719	05-1999	Errico et al.	
		5,989,289	11-1999	Coates	
		6,033,830	03-2000	Bianchi	
		6,096,081	08-2000	Grivas	
		6,210,506	09-2000	Kohrs et al.	
		6,375,681	04-2002	Truscott	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		EP 0 077 159 A	04-1983			
		GB 2 207 607 A	02-1989			
		EP 0 307 241	03-1989			
		DE 37 41 493 A1	06-1989			
		EP 0 392 076	10-1990			
		WO 95/08306	03-1995			
		WO 95/15133	06-1995			
		WO 96/22747	08-1996			
		WO 96/40013	12-1996			
		WO 97/13378	04-1997			
		WO 97/15248	05-1997			
		WO 97/25945	07-1997			
		WO 98/17209	04-1998			
		WO 98/17330	04-1998			
		WO 01/70144	09-2001			

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Sheet	3	of	3	Attorney Docket No.	4002-3468

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T <sup>2</sup>	
		AcroMed Spine Tools, <i>PLIG Instruments</i> (undated)		
		AcroMed, <i>Brantigan I/F Cage</i> , (undated)		
		AcroMed, <i>Brantigan I/F Cage</i> <sup>TM</sup> for PLIF (1991)		
		Sofamor Danek, <i>Surgical Technique Using Bone Dowel Instrumentation for Posterior Approach</i> , LIT.PLIF.ST96 (1996)		
		Sofamor Danek, <i>Surgical Tips Posterior Approach</i> (1998)		
		University of Florida Tissue Bank, Inc. <i>Allograft Catalog</i> (1998)		

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